

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michel H. Malek
Title: SPINE STABILIZATION SYSTEMS
Appl. No.: 10/722,119
Filing Date: 11/25/2003
Examiner: David C. Comstock
Art Unit: 3733
Confirmation Number: 4839

COMMUNICATION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is responsive to the PTO Communication of January 7, 2009.

In the PTO Communication, the Examiner states that in the interview summary of August 7, 2008, further amendment of the claims would be submitted. However, in lieu of any potential amendments, Applicant filed the Notice of Appeal on August 26, 2008. Applicant therefore requests that prosecution reopen with the claims as pending. Applicant believes that the pending claims are properly reflected in the response of January 2, 2008.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date: January 20, 2009

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By

A handwritten signature in black ink, appearing to read "Jeffrey R. Lomprey", is written over a horizontal line.

Jeffrey R. Lomprey

Attorney for Applicant

Registration No. 55,401